

CALIFORNIA STATE PERSONNEL BOARD MEETING
801 Capitol Mall
Sacramento, California

www.spb.ca.gov

Public Session Location - Room 150
Closed Session Location - Room 141

FULL BOARD MEETING MINUTES

JULY 6, 2000

PUBLIC SESSION OF THE STATE PERSONNEL BOARD

1. ROLL CALL

BOARD MEMBERS PRESENT:

Florence Bos, President
Richard Carpenter, Member
William Elkins, Member
Sean Harrigan, Member

2. REPORT OF THE EXECUTIVE OFFICER - Walter Vaughn

The Board was advised of the following:

- A. The State Personnel Board staff met with Senate staff to discuss the placement options for legislative staff working for members reaching term limits.
- B. The 2000-2001 Budget includes funding for an appeals tracking system, staffing to improve the mediation program and improvements in the level of service and the development of recommendations for the Bilingual Services Program.
- C. The State Personnel Board staff provided an overview of the activities that will lead to the development of recommendations for the Bilingual Services Program.

- D. The State Personnel Board staff will continue the recent planning activities with a follow-up meeting, with the consultant on July 7, 2000.

3. REPORT OF THE CHIEF COUNSEL - Elise Rose

The Chief Counsel reported on:

Litigation

- A. Patterson v. SPB/CYA - Fourth District Court of Appeal reversed the Board's decision sustaining appellant's dismissal for speeding through a safety check point without showing her identification, finding appellant's defense credible.
- B. Munoz v. State Personnel Board - Sacramento Superior Court sustained the Board's decision modifying the penalty from a 70 days suspension to a 45 days suspension.
- C. ACSA v. DPA - The State Personnel Board filed a request to file an amicus brief with the Third District Court of Appeal in this case challenging the validity of the Unit 8 MOU provisions that provide for arbitration of disciplinary actions without State Personnel Board review. The court granted the Board's request and filed the brief.
- D. Cagle Moore v. SPB/DSS - The court ordered republication of the State Personnel Board's precedential decision in this case SPB Dec. No. 96-12 in light of the appellate court decision upholding the Board's decision.

Other

- A. The State Employee Mediation Program has mediated approximately 50 cases this fiscal year. A draft written report should be available in August 2000.
- B. Elise Rose and Bruce Monfross met with representatives of the California Civil Rights Officers Council, and Labor Management Task Force on Discrimination to discuss the Board's discrimination complaint process, and the use of mediation to resolve discrimination issues.

4. REPORT ON LEGISLATION - Judy Balmain

The Board was advised of the following:

- A. AB 649 (Machado)
Among other issues, make major changes in the way appeals from adverse actions, and rejections during probation involving civil service employees in Bargaining Unit 11 (Engineering and Scientific Technicians) are adjudicated.
- B. AB 688 (Steinberg)
Requires that contracts over \$50,000, with some exceptions, will have all state agencies give the Board prior notice of personal services contracts, the Board in turn would be required to give notice to the affected unions for their review. The Boards' Executive Officer would have approval authority for the contracts.
- C. AB 2222 (Kuehl)
Amends the California Fair Employment and Housing Act. Specifically, it would clarify the definitions of "mental disability," "physical disability," and "medical conditions." It redefines the phrase "major life activities."
- D. AB 2301 (Lowenthal)
Enables Cooperative Personnel Services (CPS) to continue to provide licensing and certification examination services to state agencies. Urgency
- E. AB 2701 (Jackson)
Makes changes to the statute governing "fitness of duty examination" and revises the Confidentiality of Medical Information Act as it applies to medical examinations.
- F. SB 1246 (Escutia)
Amends the Dymally-Alatorre Bilingual Services Act (Act) to: (1) change the method by which a substantial number of non-English speaking people in a geographical area is calculated; (2) require state agencies to establish implementation plans that comply with the Act; (3) provide administrative remedies through the State Personnel Board for individuals aggrieved by violations of the Act and organizations protecting the public interest; (4) allow for immediate access to courts to challenge violations of the Act without

requiring that administrative remedies first be exhausted.

G. SB 2025 (Burton) Board Sponsored
Conforms the language of the Fair Employment and Housing Act in decisions on disability discrimination appeals and LEAP appointment process. Will be consistent with existing law in providing more protection when deciding individual cases before the Board. Assigns liability for court cost and attorney fee awards in judicial appeals of State Personnel Board.

H. SB 2047 (Polanco)
Clarifies that government agencies may engage in public sector outreach programs, including focused outreach and recruitment of minority groups and women if any group is "underrepresented" in relation to their representation in the civilian labor force.

5. PERS UPDATE - Sean Harrigan - Board Member

The Board was advised of the following:

- A. The CalPers Board hired Daniel Szente as their Chief Investment Officer.
- B. CalPers voted to increase the rates for health care programs provided to state employees by 9.2%.
- C. A new CalPers California Bio Technology fund has been created for investment opportunities in emerging bio technology companies. Also created was a California Initiative fund to invest in emerging businesses in under served areas in California.
- D. In August the tobacco divestiture issue will be considered by the CalPers Board following discussions between staff of CalPers and the Treasures Office.
- E. In September the CalPers Board will consider proposals to establish screens for investing in emerging markets that consider human, environmental and worker rights.
- F. CalPers will also be considering the investment structure process and compensation of money managers to assist in the recruitment of money managers.

6. HEARING - PRE-EMPLOYMENT DRUG TESTING FOR THE FOLLOWING CLASSES BY THE DEPARTMENT OF DEVELOPMENTAL SERVICES:
- NURSE PRACTITIONER (FORENSIC FACILITY)
 - REGISTERED NURSE (FORENSIC FACILITY)
 - SUPERVISING REGISTERED NURSE (FORENSIC FACILITY)
 - NURSE PRACTITIONER (SAFETY)
 - TEACHER, STATE HOSPITAL (SEVERELY HANDICAPPED-DEVELOPMENTALLY DISABLED - SAFETY)
 - VOCATIONAL INSTRUCTOR (CARPENTRY - SAFETY)
 - VOCATIONAL INSTRUCTOR (LANDSCAPE GARDENING - SAFETY)
 - VOCATIONAL INSTRUCTOR (UPHOLSTERING - SAFETY)
 - INDUSTRIAL THERAPIST (SAFETY)
 - INDIVIDUAL PROGRAM COORDINATOR (SAFETY)
 - PSYCHIATRIC SOCIAL WORKER (HEALTH FACILITY)(SAFETY)
 - PSYCHOLOGIST (HEALTH FACILITY-CLINICAL-SAFETY)
 - PSYCHOLOGIST (HEALTH FACILITY-COUNSELING-SAFETY)
 - PSYCHOLOGIST (HEALTH FACILITY-EDUCATIONAL-SAFETY)
 - PSYCHOLOGIST (HEALTH FACILITY-EXPERIMENTAL-SAFETY)
 - PSYCHOLOGIST (HEALTH FACILITY-SOCIAL-SAFETY)
 - REHABILITATION THERAPIST, STATE FACILITIES (ART-SAFETY)
 - REHABILITATION THERAPIST, STATE FACILITIES (DANCE-SAFETY)
 - REHABILITATION THERAPIST, STATE FACILITIES (MUSIC-SAFETY)
 - REHABILITATION THERAPIST, STATE FACILITIES (OCCUPATIONAL-SAFETY)
 - REHABILITATION THERAPIST, STATE FACILITIES (RECREATION-SAFETY)
 - SOCIAL WORK ASSOCIATE (SAFETY)
 - PHYSICIAN AND SURGEON (SAFETY)
 - STAFF PSYCHIATRIST (SAFETY)
 - HOSPITAL WORKER (SAFETY)
 - LICENSED VOCATIONAL NURSE (SAFETY)
 - TEACHING ASSISTANT (SAFETY)

Persons Participating:

Pat Embly, Staff, California State Personnel Board
Elizabeth Russo, Senior Labor Relations Representative,
California State Employees Association
Lee Rose, Chief of Operations, Classification & Pay,
Department of Developmental Services
Doyle W. Bohannon, Program Director-Porterville, Department
of Developmental Services
Rosmaire Duffy, Senior Labor Relations Representative,
California State Employees Association

ACTION: Submitted

6. ORAL ARGUMENT

Oral argument in the matter of JEANETTE DUTTON, CASE NO. 98-2550. Appeal from dismissal. Department of Corrections.

Persons Participating:

Joseph A. Hoffman, Attorney at Law, Hoffman & Hoffman,
representing appellant
Sandra Lusich, Legal, representing Department of Corrections

ACTION: Submitted

7. HEARING - EQUAL OPPORTUNITY GOALS FOR MINORITIES AND WOMEN
STATE PERSONNEL BOARD STAFF HAS MODIFIED THE SUBJECT
REGULATIONS PRESENTED ON 2/9/00 IN RESPONSE TO PUBLIC
COMMENT AND IS REQUESTING ADOPTION OF THE MODIFIED TEXT.

Persons Participating:

Steve Unger, Manager, Regulations Development, California
State Personnel Board
Ted Edwards, Manager, Civil Rights, California State
Personnel Board
Dorothy Egel, Attorney at Law, California State Personnel
Board
Robin Curalejo, California Civil Rights Officers Council,
CalPERS
Rosmaire Duffy, Senior Labor Relations Representative,
California State Employees Association

ACTION: Adopted as shown amended on July 6, 2000.

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

8. HEARING - COMPETITIVE CEA EXAMINATIONS

EXISTING RULE 548.40 IS AMENDED TO COMPLY WITH THE FINDING
IN ALEXANDER V SPB THAT CEA EXAMINATION CANDIDATES MUST BE
RANKED AND COMPARED AGAINST THE RELEVANT QUALIFICATIONS FOR
THE POSITION AND ALSO AGAINST EACH OTHER.

Persons Participating:

Elise Rose, Chief Counsel, California State Personnel Board
John Jackson, Manager, California State Personnel Board
Catherine Kennedy, Attorney at Law, Association of
California State Supervisors
Gerald James, Labor Relations Counsel, Professional
Engineers in California Government

ACTION: Submitted

BOARD ACTIONS

9. STATE PERSONNEL BOARD SUMMARY MINUTES OF JUNE 20, 2000

ACTION: Adopted on July 6, 2000.

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

10. ACTION ON SUBMITTED ITEMS

ACTION: See pages 20-21.

11. ADMINISTRATIVE LAW JUDGE CASES

On July 6, 2000, the Board adopted the following decisions
presented by Elise Rose, Chief Counsel, California State
Personnel Board.

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

COURT REMAND DECISION

CAGLE MOORE, CASE NO. 98-0572 (96-3636/34846

Appeal from demotion

Department of Social Services

ACTION: Board Decision (After Court Remand)

1. Board issued resolution to comply with Court Order
reinstating Board Decision and re-publishing
Precedential Decision No. 96-12.

CHIEF COUNSEL RESOLUTIONS

TODD SMITH, CASE NO. 99-5052

Appeal from dismissal

Department of Consumers Affairs

ACTION: On July 6, 2000, Board issued resolution, referring
matter to Chief Administrative Law Judge, to be set for back
pay hearing.

MANUEL SANCHEZ, CASE NO. 99-1906

Appeal from dismissal

Department of Employment Development
ACTION: On July 6, 2000, Board issued resolution, ordering
Department to immediately reinstate appellant.

PROPOSED DECISIONS

DELIA B. REESE, CASE NO. 00-0834
Appeal from 5 percent reduction in salary for 12 months
Department of Corrections
ACTION: 5 percent reduction in salary for 12 months
modified to 5 percent for 6 months

FRANCES EVANS, CASE NO. 97-0024
Appeal from dismissal
Department of Motor Vehicles
ACTION: Dismissal sustained

DAVID C. BRAUER, CASE NO. 00-0319
Appeal from 1-step reduction in salary for 6 months
Department of Transportation
ACTION: Board adopted proposed decision with special
resolution

ROBERTO E. VALDEZ, CASE NO. 00-0657
Appeal from 15-calendar day's suspension
Department of Corrections
ACTION: Board adopted findings of fact, but modified
dismissal to 30 days suspension

MENGI LUTETE, CASE NO. 00-0855
Appeal from 5 percent reduction in salary for 3 pay periods
Department of the Youth Authority
ACTION: Reduction in salary sustained

GARNETTA M. PERSON, CASE NO. 00-0857
Appeal from official reprimand
Department of the Youth Authority
ACTION: Official reprimand revoked

DIANA STOLIKER, CASE NO. 99-4631
Appeal from constructive medical suspension
Department of Water Resources
ACTION: Appeal from constructive medical suspension granted

JOSEPH N. BAGOOD, CASE NO. 99-4788
Appeal from dismissal
Department of Health Services
ACTION: Board adopted findings of fact, but modified
dismissal to 30 days suspension

FRANCES A. MARTINEZ, CASE NO. 99-4708
Appeal from 10 percent reduction in salary for 12 months
Department of Corrections
ACTION: Reduction in salary revoked

FLOYD A. WALL, CASE NO. 00-1026
Appeal from official reprimand
Department of Corrections
ACTION: Official reprimand revoked

TINA B. MCINTIRE, CASE NO. 99-5166
Appeal from dismissal
Department of Social Services
ACTION: Dismissal sustained

DONALD DUNLAP, CASE NO. 99-5256
Appeal from 2 working days suspension
Department of California Highway Patrol
ACTION: Suspension sustained

CHERYL SMITH, CASE NO. 99-3891
Appeal from rejection
Department of Forestry and Fire Protection
ACTION: Board adopted stipulated settlement

PETITIONS FOR REHEARING

GERALD L. AUGUST, CASE NO. 99-4950P
Appeal from 30-calendar day's suspension
Department of Corrections
ACTION: Petition for rehearing filed by appellant denied

DAVID L. PINSON, CASE NO. 99-5344P
Appeal from 5 working days suspension
Department of Corrections
ACTION: Petition for rehearing filed by appellant granted

YVONNE D. MOORE, CASE NO. 99-4717P
Appeal from dismissal
Department of Developmental Services
ACTION: Petition for rehearing filed by appellant denied

12. RESOLUTION RE NOTICE OF GOVERNMENT CODE SECTION 18671.1
EXTENSION.

ACTION: See pages 22-24.

13. MISCELLANEOUS APPEALS DIVISION CASES
(Discrimination Complaints, Withholds, Voided Appointments,
Rule 211 Appeals, Petitions for Rehearing)
On July 6, 2000, the Board adopted the following decisions
presented by Linda Brooks, Assistant Executive Officer,
California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

- A. JAMES C. ALLEN, CASE NO. 99-4902S
Classification: Correctional Lieutenant
ACTION: AFFIRMED
- B. ROMAN GUTIERREZ, CASE NO. 99-2965
Classification: Correctional Officer
ACTION: DENIED
- C. MULUGHETA HABTEMARIAM, CASE NO. 99-4901
Classification: Correctional Officer
ACTION: GRANTED
- D. STANLEY JOHNSON, CASE NO. 99-4891
Classification: Correctional Officer
ACTION: GRANTED
- E. ROBERT JOHN BECK, CASE NO. 99-4596
Classification: Correctional Officer
ACTION: DENIED
- F. JASON G. BUNN, CASE NO. 99-4600
Classification: Cadet, California Highway Patrol
ACTION: DENIED
- G. ALVIN ANDREW CARRILLO, CASE NO. 99-4479
Classification: Correctional Officer
ACTION: DENIED
- H. FRANK D. CASTRO, CASE NO. 99-4595
Classification: Correctional Officer
ACTION: DENIED
- I. CHRISTOPHER COOPER, CASE NO. 99-4594
Classification: Correctional Officer
ACTION: DENIED

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- J. JOHN DALY, CASE NO. 99-4740
Classification: Correctional Officer
ACTION: DENIED
- K. CHRIS J. DORROUGH, CASE NO. 99-4894
Classification: Correctional Officer
ACTION: DENIED
- L. JOHN D. EARLE, CASE NO. 99-4599
Classification: Cadet, California Highway Patrol
ACTION: DENIED
- M. STEPHEN FEDELE III, CASE NO. 99-4698
Classification: Correctional Officer
ACTION: DENIED
- N. ANTHONY GIBSON, CASE NO. 99-4742
Classification: Correctional Officer
ACTION: DENIED
- O. JOSEPH J. JOHNSON, CASE NO. 99-4903
Classification: Cadet, California Highway Patrol
ACTION: DENIED
- P. ALAN M. JUVAN, CASE NO. 99-4661
Classification: Cadet, California Highway Patrol
ACTION: DENIED
- Q. MARIANNE C. MERTEN, CASE NO. 99-4904
Classification: Correctional Officer
ACTION: DENIED
- R. JOAQUIN J. RANGEL, CASE NO. 99-4890
Classification: Correctional Officer
ACTION: DENIED
- S. VICTOR SERRANO, JR., CASE NO. 99-4478
Classification: Correctional Officer
ACTION: DENIED
- T. TANZANIA WILLIAMS, CASE NO. 99-4892
Classification: Correctional Officer
ACTION: DENIED

DISMISSAL CASES

- U. CURTIS J. AREBALO, CASE NO. 00-1064
Classification: Youth Correctional Officer

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ACTION: DISMISSED

V. SATIN BOWMAN, CASE NO. 00-0897
Classification: Correctional Officer
ACTION: DISMISSED

W. BRIAN BURNS, CASE NO. 99-3313
Classification: Correctional Officer
ACTION: DISMISSED

X. TIMOTHY CRUMLY, CASE NO. 00-0887
Classification: Correctional Officer
ACTION: DISMISSED

Y. PATRICK DAVID W. MENDOZA, CASE NO. 99-4658
Classification: Correctional Officer
ACTION: DISMISSED

Z. REGORY H. OLEN, CASE NO. 99-5050
Classification: Hospital Peace Officer I
ACTION: DISMISSED

AA. JOE VELET STANISLAUS, CASE NO. 99-5040
Classification: Correctional Officer
ACTION: DISMISSED

14. MEDICAL APPEALS

On July 6, 2000, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

A. MARK CHISOM, CASE NO. 99-4349
Classification: Youth Correctional Counselor
ACTION: GRANTED

B. RAYMOND HOUSE, CASE NO. 00-0173
Classification: Youth Correctional Counselor
ACTION: DENIED

C. TIFANI LADUKE, CASE NO. 99-4859
Classification: Parole Agent I, (Adult Parole)
ACTION: DENIED

D. MICHAEL L. MURDOCK, CASE NO. 00-0230
Classification: Cadet, California Highway Patrol
ACTION: DENIED

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- E. BENITO A. PAREDES, CASE NO. 99-5135
Classification: Youth Correctional Officer
ACTION: DENIED
- F. MARK E. SCHELLING, CASE NO. 00-0566
Classification: Office Assistant (T)
ACTION: DISMISSED
- G. TATJANA STANDISH, CASE NO. 99-4066
Classification: Senior Special Investigator
ACTION: DENIED
- H. MARGARET UHL, CASE NO. 99-4747
Classification: Parole Agent I, (Adult Parole)
ACTION: GRANTED
- I. LIVANYA WHITE, CASE NO. 99-3416
Classification: Correctional Officer
ACTION: DENIED
- J. MIGUEL ZAPIEN, CASE NO. 99-5131
Classification: Youth Correctional Officer
ACTION: DENIED

RESCIND CASE

- K. SHAUNA MARQUEZ, CASE NO. 00-1060
Classification: Correctional Officer
ACTION: RESCINDED

DISMISSAL CASE

- L. MANUEL CHICA, CASE NO. 00-0555
Classification: Parole Agent I, (Adult Parole)
ACTION: DISMISSED

15. EXAMINATION APPEALS

On July 6, 2000, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

- A. DAVID CALDERON, CASE NO. 99-5085
Final Filing Date: Continuous Filing
Examination: Supplemental Application
Class: Investigator Trainee

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Testing Agency: Alcoholic Beverage Control
Appeal Received: November 30, 1999
ACTION: GRANTED

16. MERIT ISSUE COMPLAINT APPEALS

On July 6, 2000, the Board adopted the following decisions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

A. JOAN CALLAWAY, CASE NO. 99-4491
Classification: Caltrans Equipment Operator
ACTION: DISMISSED

17. REQUEST TO FILE CHARGES

On July 6, 2000, the Board took the following actions presented by Linda Brooks, Assistant Executive Officer, California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

A. MARIA DEL CARMEN PEREZ, CASE NO. 99-2461
Classification: Labor Relations Representative
California State Employees Association (CSEA).
ACTION: DENIED

18. NON-HEARING CALENDAR

On July 6, 2000, the Board adopted items A-B. These items were presented by Laura Aguilera, Chief, Personnel Resources and Innovations Division, California State Personnel Board.

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

A. FOOD SERVICE WORKER I (SAFETY)
FOOD SERVICE WORKER II (SAFETY)
The Department of Developmental Services proposes to establish the classes of Food Service Worker I (Safety) and Food Service Worker II (Safety).

B. HEALTH SERVICES SPECIALIST (FORENSIC FACILITY)
NURSING COORDINATOR (FORENSIC FACILITY)
HEALTH SERVICES SPECIALIST (SAFETY)
NURSING COORDINATOR (SAFETY)
The Department of Developmental Services proposes specification revisions and to retitle the classes of Health Services Specialist (Forensic Facility) and Nursing Coordinator (Forensic Facility) to Health

Services Specialist (Safety) and Nursing Coordinator
(Safety).

19. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY

A. REQUESTS TO ESTABLISH NEW CEA POSITIONS CURRENTLY UNDER
CONSIDERATION

- (1) CHIEF, CONSUMER RESOURCES AND LEGAL REVIEW CENTER
The Department of Managed Care proposes allocation of the above position to the CEA category to be responsible for increasing the level of service provided to the public with efficiency, quality and timeliness and ensuring full and specialized licensed health plans are in compliance with the Knox-Keene Health Care Service Plan Act of 1975. The department indicates the position will be at the second organizational level and will report to the directorate.
- (2) ASSISTANT SECRETARY FOR LOCAL PROGRAMS
The California Environmental Protection Agency proposes allocation of the above position to the CEA category to be responsible for ensuring that the Environmental Management System Program is coordinated with local government programs; and for planning, organizing and directing the activities of the Unified Program, Site Designation Program and the Permit Consolidation Zones Pilot Program. The department indicates that the position will be at the second organizational level and will report to the Deputy Secretary for External Affairs.
- (3) COMMUNITY FACILITIES DIRECTOR
The Department of Developmental Services proposes to allocate the above position to the CEA category for the period of two years to manage the Community Facilities Development Program within the Inland County Region which is responsible for developing and managing small community-based, state-operated, residential treatment facilities (SRTF) for persons with developmental disabilities; contract development and management of community partnership opportunities; and negotiating flexibility and program waivers for the local SRTF. The department indicates that the position will be at the third organizational level

and will report to the Deputy Director of the Developmental Centers Division.

(4) DEPUTY DIRECTOR, STRATEGIC PLANNING ADMINISTRATIVE SERVICES AND QUALITY ASSURANCE

The Department of Information Technology proposes allocation of the above position to the CEA category to provide oversight and policy direction for Strategic Planning, Administrative Services and Quality Assurance Division. The department indicates that the position will be at the second organizational level and will report to the Director.

(5) DEPUTY DIRECTOR, STATEWIDE TECHNOLOGY RECRUITMENT AND RETENTION

The Department of Information Technology proposes allocation of the above position to the CEA category to coordinate, advise and develop human resource policies for information technology classifications on a statewide basis. The department indicates that the position will be at the second organizational level and will report to the Director.

(6) DEPUTY DIRECTOR, STATEWIDE ACQUISITION AND POLICY OVERSIGHT

The Department of Information Technology proposes allocation of the above position to the CEA category to work in partnership with the oversight and project initiation managers, client departments and the vendor community to develop information technology acquisition policies to support best practices utilized in the public and private sector acquisition professions. The department indicates that the position will be at the second organizational level and will report to the Director.

B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW CEA POSITIONS

(1) MANAGER, BUSINESS SERVICES OFFICE

The Department of General Services' proposal to allocate the above position to the CEA category has been approved effective June 8, 2000.

(2) DRINKING WATER QUALITY PROGRAM MANAGER
CALFED BAY-DELTA PROGRAM

The Department of Water Resources' proposal to allocate the above position to the CEA category has been approved effective June 9, 2000.

- (3) ASSISTANT DIRECTOR OF POLICY AND FINANCE CALFED BAY-DELTA PROGRAM

The Department of Water Resources' proposal to allocate the above position the CEA category has been approved effective June 9, 2000.

- (4) DEPUTY DIRECTOR, RESEARCH AND EVALUATION DIVISION
The California Children and Families Commission's proposal to allocate the above position to the CEA category has been approved effective June 13, 2000.

- (5) DEPUTY DIRECTOR OF ADMINISTRATIVE SERVICES
The Department of Fair Employment and Housing's proposal to allocate the above position to the CEA category has been approved effective May 26, 2000.

- (6) DEPUTY DIRECTOR, CLIENT RELATIONS AND MARKETING BRANCH
The Health and Human Services Data Center's request to allocate the above position to the CEA category has been approved effective June 14, 2000.

- (7) ASSISTANT DIRECTOR, ENTERPRISE SERVICES
The Health and Human Services Data Center's request to allocate the above position to the CEA category has been approved effective June 14, 2000.

- (8) ASSISTANT DIRECTOR, CORE SERVICES
The Health and Human Services Data Center's request to allocate the above position to the CEA category has been approved effective June 14, 2000.

- (9) CHIEF DEPUTY INSPECTOR GENERAL, SPECIAL INVESTIGATIONS
The Office of the Inspector General's request to allocate the above position to the CEA category has been approved effective June 14, 2000.

- (10) CHIEF DEPUTY INSPECTOR GENERAL,
AUDITS/ADMINISTRATION
The Office of the Inspector General's request to allocate the above position to the CEA category has been approved effective June 14, 2000.
- (11) CHIEF ASSISTANT INSPECTOR GENERAL
The Office of the Inspector General's request to allocate the above position to the CEA category has been approved effective June 14, 2000.
- (12) DIRECTOR OF INTERNAL OPERATIONS
The California Community Colleges' request to allocate the above position to the CEA category has been approved effective June 15, 2000.

C. REQUESTS TO REFILL CEA POSITIONS ESTABLISHED BETWEEN
6/30/95 AND 1/1/99

- (1) REGIONAL MANAGER, NORTHER REGION
The Department of Social Services is requesting to refill the above position.
- (2) CHIEF, ADVOCACY AND POLICY BRANCH
The Department of Social Services is requesting to refill the above position.
- (3) GOVERNMENT RELATIONS OFFICER
The State Compensation Insurance Fund is requesting to refill the above position.
- (4) SAN JOSE DISTRICT MANAGER
The State Compensation Insurance Fund is requesting to refill the above position.
- (5) OAKLAND DISTRICT OFFICE MANAGER
The State Compensation Insurance Fund is requesting to refill the above position.
- (6) SACRAMENTO DISTRICT OFFICE MANAGER
The State Compensation Insurance Fund is requesting to refill the above position.
- (7) SAN DIEGO DISTRICT OFFICE MANAGER
The State Compensation Insurance Fund is requesting to refill the above position.

- (8) BUSINESS SERVICES MANAGER
The State Compensation Insurance Fund is requesting to refill the above position.
 - (9) FISCAL AND INVESTMENT SERVICES MANAGER
The State Compensation Insurance Fund is requesting to refill the above position.
 - (10) CHIEF, CHANGE MANAGEMENT OFFICE
The California Public Employees' Retirement System is requesting to refill the above position.
 - (11) CHIEF, PROGRAM AND PROJECT MANAGEMENT
The Department of Transportation is requesting to refill the above position in District 7.
- D. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO REFILL CEA POSITIONS ESTABLISHED BETWEEN 6/30/95 AND 1/1/99
- (1) SPECIAL ASSISTANT TO THE DIRECTOR
The Department of Health Services' request to refill the above position has been approved effective June 9, 2000.
 - (2) CHIEF, SMOG CHECK OPERATIONS AND ENGINEERING SERVICES DIVISION
The Department of Consumer Affairs, Bureau of Automotive Repair's request to refill the above position has been approved effective June 13, 2000.
 - (3) DIRECTOR, OFFICE OF PLANNING, INFORMATION TECHNOLOGY AND TRAINING
The Department of Food and Agriculture's request to refill the above position has been approved effective June 9, 2000.
 - (4) SPECIAL ASSISTANT TO THE DIRECTOR
The Department of Health Services request to refill the above position has been approved effective June 9, 2000.
 - (5) SPECIAL ASSISTANT TO THE DIRECTOR
The Health and Human Services Data Center's request to refill the above position has been disapproved effective June 14, 2000.

ACTION: Noted

A D J O U R N M E N T

SUBMITTED

1. EQUAL OPPORTUNITY GOALS FOR MINORITIES AND WOMEN
(Hearing held February 9, 2000).

ACTION: Adopted as shown amended on July 6, 2000.

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

2. JAMES BLANCHARD, CASE NO. 99-3198. Appeal from constructive demotion. Department of Corrections. (Oral argument held May 2, 2000).

ACTION: On July 6, 2000, adopted Board decision granting appeal with back pay and benefits.

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

3. APPEAL OF THE INTERNATIONAL UNION OF OPERATING ENGINEERS (IUOE) FROM THE EXECUTIVE OFFICER'S APPROVAL OF CALIFORNIA SCIENCE CENTER'S (CSC) COST-SAVINGS CONTRACT FOR EXPOSITION PARK GROUNDS MAINTENANCE PURSUANT TO GOVERNMENT CODE § 19130 (a). (Hearing held May 2, 2000).

NO ACTION

4. SYLVIA C. SOLIS, CASE NO.98-4806 - Appeal from denial of request for reasonable accommodation, and CASE NO. 99-0574 Appeal from medical termination. Department of Motor Vehicles. (Written argument presented May 2, 2000).

ACTION: On July 6, 2000, Board decision denying appeal for reasonable accommodation and revoking medical termination *

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

*Adopted as Precedential Decision(s) # 00-07. [NOTE: Precedential Decisions of the State Personnel Board are published and available by subscription from Continuing Education of the Bar (CEB) in Berkeley. To subscribe, call CEB, toll free, at (800) 924-3924.]

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5. SANDRA JOHNSON, CASE NO. 99-1256. Appeal from demotion. Department of Corrections. (Oral argument held June 6, 2000).

ACTION: On July 6, 2000, adopted Board decision modifying demotion to official reprimand with back pay.*

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

6. MICHAEL BRADLEY, CASE NO. 99-3187. Appeal from reinstatement after automatic resignation. California State University, Long Beach. (Oral argument held June 6, 2000).

ACTION: On July 6, 2000, adopted Board decision ordering reinstatement with back pay and benefits.

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

7. AARON TUTER, CASE NO. 99-3383. Appeal from dismissal. Department of Corrections. (Oral argument held June 6, 2000).

NO ACTION

8. RUSTY IVERSON, CASE NO. 99-3640. Appeal from 5 percent reduction in salary for 6 months. (Oral argument held June 6, 2000).

ACTION: On July 6, 2000, adopted Board decision revoking reduction in salary and awarding back pay, interest and benefits.

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.

*Adopted as Precedential Decision(s) # 00-06. [NOTE: Precedential Decisions of the State Personnel Board are published and available by subscription from Continuing Education of the Bar (CEB) in Berkeley. To subscribe, call CEB, toll free, at (800) 924-3924.]

NOTICE OF GOVERNMENT CODE § 18671.1 RESOLUTION

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional forty-five days, the Board hereby publishes its substantial reasons for the need for the forty-five day extension for some of the cases now pending before it for decision.

An additional forty-five days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases

that meet the above criteria, and that have been before the Board for less than 6 months as of the date of the Board meeting.

GOVERNMENT CODE § 18671.1 RESOLUTION

WHEREAS, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

WHEREAS, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

WHEREAS, the Agenda for the instant Board meeting included an item titled "Notice of Government Code § 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

WHEREAS, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

* * * * *

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on July 6, 2000.

WALTER VAUGHN
Executive Officer
California State Personnel Board

VOTE: Bos, Carpenter, Elkins, Harrigan - Aye.